

PATENT  
Serial No. C9/929,257  
Amendment in Reply to Final Office Action mailed on January 26, 2006

REMARKS

Reconsideration of the present application as amended is respectfully requested.

In the Office Action, claims 1-23, 25-31 and 33-38 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over PCT No. WO 200054187 (Franco) in view of U.S. Patent Application Publication No. 20020056213 (Liwerant). It is respectfully submitted that claims 1-23, 25-31 and 33-40 are patentable over Franco and Liwerant for at least the following reasons.

Franco is directed to a universal music player system including a virtual player that displays media objects owned or accessible to a user. When a user clicks on a media object, an associated file automatically begins to play. A data collector collects statistical data about the user's use and tracks the user's preferences which are used for customization of "yellow pages" and recommendation of items of interest to the user. (See Abstract; page 20, lines 3-4; and page 22, lines 1-3)

Liwerant is directed to a system for sharing a streaming video

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where a receiving computer assures that a video segment is in a streaming format. A format conversion module converts a format of the video segment to a format compatible with streaming video.

It is respectfully submitted that Franco and Liwerant, alone or combination, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 10, 16, 22 and 30 which, amongst other patentable elements, requires:

the application adding user preference derived  
information to information requested by a user.  
(Emphasis added)

This feature provides substantial benefits, such as allowing the user to receive information of interest in response to a general request, such as receiving information related to "new releases of country music" in response to a request for "new releases", in accordance with the user's preference for country music, as described on page 19, lines 22-24 of the specification, for example.

Accordingly, it is respectfully submitted that independent claims 1, 10, 16, 22 and 30 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully

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submitted that claims 2-9, 11-15, 17-21, 23, 25-29, 31 and 33-40 should also be allowed at least based on dependence from independent claims 1, 10, 16, 22 and 30, as well as for the separately patentable elements contained in each of the dependent claims.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due beyond the Request for Continued Examination (RCE) fee to be charged to the credit card as noted by the enclosed authorization. No excess claim fees are due in view of canceled claims 24 and 32. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account

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No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
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March 9, 2006

Enclosure: RCE Transmittal  
Authorization to charge credit card \$790 for RCE fee

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